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E.O. 12958: N/A

TAGS: [PARM](#) [PREL](#) [CWC](#)

SUBJECT: CHEMICAL WEAPONS CONVENTION (CWC): WEEKLY WRAP-UP
FOR JUNE 4, 2004

This is CWC-69-04.

OPTIMIZATION OF VERIFICATION

1. (SBU) In a June 1 meeting, Sophie Moal (France) and Peter Beerwerth (FRG) informed the U.S. Del that they believe anything which the U.S. does on optimization, including the trial run in the fall, will require Executive Council approval. They want some kind of paper to be proffered by the Technical Secretariat (TS) setting out what will happen during the trial and afterward, and for the EC to consider it at EC-37 or EC-38, before going ahead with the trial. France and Germany stated that they want the TS document presented to the EC and approved, perhaps by silence procedures, before going ahead with the trial run of optimization at Anniston. They are not, apparently, going to be satisfied with an explanatory paper as they had asked for previously.

2. (SBU) We emphasized that what the French and Germans were proposing was far beyond what had been required of any other possessor. As reflected on p. 24 - 25 of the Verification Implementation Report, optimization already has been implemented in Korea, India, and Russia. Beerwerth tried to assert that France and Germany are totally sanguine about the U.S. demil program, but have to watch the Russians very closely. It is worth noting that in the view of the UK delegation, Germany's assertion that it is only the Russians they are concerned about is misleading; they (Germany) also harbor misgivings about the U.S. program. We pointed out that Russia had already implemented optimization. Reduction of inspectors at Gorniy was a fait accompli, and the event came and went without so much as a whimper from Germany, France, or anyone other than the U.S.

3. (SBU) It was hard to accept statements of concern about the Russians, we argued, if the French and Germans are trying to hold the U.S. to a standard that was not required of Russia or any other possessor. This was not what the U.S. expected as a response to transparency, which was in direct response to calls from, most vociferously, France and Germany. We will continue discussing this with the French and Germans, and coordinate with the TS.

4. (SBU) In subsequent conversations, both France and Germany appeared to soften their positions and backed away from an outright call for EC approval. Indeed, France repeated that they simply were looking for information and a better understanding of the optimization effort at Anniston, and in particular the material changes optimization would bring about in the verification regime. At delegation's request, the TS has produced a lengthy non-paper setting out the information France asked for, on a strictly informal basis. The French and German response to this paper, when it is circulated, will provide a more positive indication of whether they will be satisfied with this approach, or press for EC action. Delegation is not convinced that the provision of this paper will not be followed by a request from France and Germany that it be assigned an "EC number" and put before the Council, if only for its information.

ABERDEEN - END POINT OF DESTRUCTION

5. (SBU) Mark Matthews (U.K.) asked whether the U.S. was changing its view on the issue of Aberdeen, and specifically on the end point of destruction issue. He requested that the Del convey to Washington the message that everyone, including the U.K., would strenuously oppose any change in policy on that matter. He observed, without any further elaboration, that for France it would be "the last straw." We suspect that Matthews was being somewhat over-dramatic in order to make his point. However, we provide the U.K. view simply to note the need for a substantial amount of spade-work with other delegations should Washington wish to put forth a new

policy regarding EP0D. It would be critical to emphasize that key provisions of the Convention (regarding verification in particular) would not be weakened and that the U.S. has no intention of undermining the Convention.

SITE VISITS

16. (U) At the June 1 WEOG, Dutch Amb. Mark Vogelaar raised the question of conducting site visits to Russian facilities, and stated his belief that the report from the last such visit to Gorniy and Kambarka pointed to the possibility of future such visits. The Del noted that the provision in the Russian deadline extension that had called for such visits had been excised during our negotiations with Russia. We further reminded everyone that this had been the subject of a fairly big row between the U.S., Russia, and others, particularly Germany, who were incensed that we agreed to omit the visit text from the Russian document.

17. (U) We also emphasized that the U.S. position was at that time, and remains, that we were not then and are not now going to accept site visits as a quid pro quo for Russian visits. Finally, we observed that, to the extent the "hook" that had hitherto obliged Russia to accept visits had been deliberately done away with, Russia was very unlikely to accept them without a specific commitment that the U.S. would do likewise. The issue had been for them, at the time we debated it, "equal treatment". That had not changed, and a sentence in a visit report was not likely to persuade Russia it was still under an obligation to accept visits.

18. (U) During the debate, France stated, supported by Germany and apparently the Netherlands, that site visits must be an element of extension requests. The publication of the Libyan and Albanian extension request documents was the event that gave rise to this line of discussion, and it was explicitly stated that these documents would need to be changed to include visits. All of which indicates a renewed debate over the issue of site visits, including in the U.S. Vogelaar spoke to us after the meeting to say that perhaps the idea could be made more palatable by not making visits contingent upon making or not making deadlines, but could be cast as a transparency measure for all possessors, including the Indians who have met all treaty deadlines for destruction. We were non-committal and said we would pass the idea back to Washington. We will need guidance for the upcoming EC on how to deal with the question of site visits generally, and vis a vis Albania and Libya in particular.

19. (SBU) Delegation notes also that Germany, supported apparently by France, has expressed disaffection with the idea of extensions "in principle". Though it is obviously a tool that has been used by the U.S. and Russia for past deadline extensions, they remain uncomfortable with the idea. Though no specific reason was given, delegation surmises that the basis of their misgivings is that, once an "in principle" extension is in place, the possessor in question is, in their view at least, relieved of the pressure to expedite destruction. Delegation recalls that during our last round of discussion with the Russians regarding their 20 and 45 percent deadline extension requests, the Russian delegation did in fact state that they were relatively unconcerned about setting a date for the 20 percent deadline because it had been extended in principle already, and they were therefore legally in compliance with the Convention.

110. (SBU) Delegation received and is in the process of acting on guidance for this subject and anticipates that in the course of that process we will gain a clearer understanding of the depth of Germany and France's misgivings.

DELEGATION SPACES

11. (U) The Del was informed by Rob Simpson, head of the Office of Confidentiality and Security, that the physical area in which the Del office is located is in the process of being incorporated into a grand vision by the Dutch for a "World Forum". The concept is apparently already approved and planning well under way to combine OPCW, ICTY, and to move in other organizations (Europol was mentioned) into a single compound not accessible to traffic, but linked by open areas and walkways. It will occupy basically all the real estate now occupied by OPCW, Congress Centrum, the building in which the Del is located, the ICTY building, and perhaps more. They apparently are planning to start moving dirt around sometime in 2006. Simpson said he thought there was actually a model of this new forum on display in city hall. Simpson provided some information that has been sent back to AC/CB.

FINANCIAL REGULATIONS - ARTICLE IV/V PAYMENTS

112. (U) On June 3, facilitator Peter van Brakel (Canada) held the latest consultation on amendments to Financial Regulations. The focus of discussion was on FR 5.4 and payment of Article IV/V invoices, and delegations had the following three concerns:

- agreement for partial payment of invoices (despite the fact that the Russian delegation had indicated Moscow could not accept partial payment);
- a designated period to bring to an end discussion over disputed parts of an invoice;
- some mechanism so that possessor states could not use a question about an invoice to delay payment for an unlimited period of time.

113. (U) The FRG delegation tabled the following proposal on which participants suggested modifications. The text has been distributed electronically by van Brakel, and has been sent electronically to AC/CB. The broad outlines are:

- creation of financial rule 5A which will contain all of the following items;
- contributions subject to Article IV/V shall be due and payable within 90 days after receipt of the invoice;
- payment of the undisputed amounts of an invoice will be within 90 days;
- if there is a dispute over the invoice, the possessor state must notify the TS within 30 days of receipt of the invoice specifying the basis for the dispute;
- the TS must respond to the possessor state within 60 days of receipt of the invoice by the possessor state;
- the TS and possessor state should settle the dispute within 90 days after the invoice is received by the possessor state;
- the possessor state should pay the resolved amount within 120 days after receipt of the invoice;
- should there be no resolution between the TS and possessor state after this total period of 90 days following receipt of invoice, the DG will note the dispute in the next monthly report on expenditures.

114. (SBU) The U.K., FRG and other delegations indicated to the U.S. Del in side-bar conversations that their concern was not with the U.S., but in not giving the Russians an opportunity to abuse flexible dispute resolution provisions. The resulting "penalty" noted above would be the notation in the DG's report, which ostensibly makes it more difficult for Moscow to simply notify the TS about a dispute and perpetually avoid paying the invoice. Finally, it was noteworthy that the lengthy discussion about the text cited above ensued after Director of Administration Schulz reported that, depending on the possessor state involved, only some 8-13% of the total amount of Article IV/V invoices are disputed.

ICA REQUESTS

115. (U) At the request of the Technical Secretariat (TS), Del met with International Cooperation and Assistance (ICA) representatives (Bauta, Dahvahle, Kisslev) on May 28. The meeting was requested to discuss the U.S.-Romanian Implementation Assistance Program (IAP) introduced at the Romanian Regional Seminar for Eastern European Group National Authorities. However, it became clear the TS motivation for the meeting was to ask for U.S. support for ICA in four specific areas:

1) ICA asked for U.S. assistance in pressing States Parties (SP) who have requested implementation-related TS training to commit to dates. The TS noted four African SP (Uganda, Nigeria, Gambia and Zimbabwe) have informed the TS of their need for assistance and interest in hosting a bilateral workshop or training activity to assist in implementation. However, none of these SP has committed to specific dates and the requests have been outstanding for some time. The TS noted difficulties in contacting anyone within these governments to move forward on establishing a suitable date. The TS indicated it would be very helpful to have the U.S. weigh-in in capitals to urge these SP to finalize and host assistance visits.

2) ICA requested the U.S. offer surplus computer equipment that the TS could distribute to SP lacking resources to assist them in meeting their Art. VII obligations. Del indicated we would consider any information the TS provided to us regarding specific requests for assistance, but that without details, it could not make any decisions. Del further noted that, to date, the TS has not made any specific request to the U.S. The TS indicated it would work to "discretely" provide requests and also survey SP regarding implementation obstacles, including shortages of equipment. Del noted that we look forward to any information the TS

might have regarding implementation-related requests for aid, and that the U.S. continues to evaluate the best ways to provide assistance.

3) ICA requested the U.S. support an increase for ICA in upcoming budget negotiations, specifically, that the U.S. support the allocation of an additional P-2 position to handle internet-related program activities within ICA. The TS reps commented that many of the agenda items designed to

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inform/assist SP in implementation are held up because ICA lacks the time, personnel and expertise needed to put such information online via a secure national authority coordination website. Del noted the request and inquired whether, if the P-2 position did not materialize, the TS would consider allowing outsourcing of this work to a SP (like the U.S.) to accomplish the task? The TS indicated it welcomed any programming or other web-based assistance SP could offer.

4) ICA requested that the U.S. sponsor/support moves to expand ICA's reach and presence in Africa. Specifically, ICA wants an OPCW official to reside in Africa and work with the African Union to support universality and implementation. Bauta indicated she had raised this with AC/CB once before but did not get a response.

TS REQUEST FOR ASSISTANCE TO VIETNAM

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[16.](#) (U) Del met with Leo Espinoza (TS/DEB) on June 4 regarding a recap of activities during the recent Regional Seminar in Romania. During the discussion, Espinoza raised a problem with TS assistance to Vietnam. The TS has received a request from Vietnam to provide comments and input on a questionnaire they are assembling to identify, contact and request submissions from Art. VI facilities. Espinoza indicated the TS simply lacks available manpower to provide such input. However, he noted that the TS senses a political reluctance of the Vietnamese to directly contact the U.S. (or other SP) for assistance. Del suggested that the TS consider alternatives to the U.S. playing a direct supporting role, if that was a problem for States Parties.

[17.](#) (U) Del suggested the TS propose to the Vietnamese that the TS engage a third party (U.S.) to assist in review of the document. In doing so, the TS would not need to reveal the origin of the document to the third party reviewer if that was sensitive, but would only note that it would solicit comments. Of course, in this case the U.S. would unofficially know. Espinoza said it sounded like a workable pretext for getting this and, maybe other, U.S. assistance to SP in reviewing documentation and other requests.

[18.](#) (U) Javits sends.
SOBEL